REMARKS

The Examiner has rejected Claims 1-11 in the outstanding Office Action. The claims are unchanged and are presented for further examination. Reconsideration and allowance of all Claims 1-11 in light of the present remarks is respectfully requested.

Objection to the Specification

The disclosure was objected to because of an informality. Page 9 of the specification has been amended to identify that "database system 10" is a feature of Figure 1.

To Anticipate a Claim, the Reference Must Teach Every Element of the Claim

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an ipsissimis verbis test, i.e., identity of terminology is not required. In re Bond, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

To Make a Prima Facie Case of Obviousness, All Limitations Must Be Found in the Prior Art

As stated in M.P.E.P. 2143, to establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Discussion of Rejection of Claims Under 35 U.S.C. § 102(b) and § 103(a)

Claims 1-2, 4, 8-9 and 11 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Sloane (U.S. Patent No. 5,911,132). Claims 3, 5-7 and 10 have been rejected under 35 U.S.C. § 103(a) as being obvious over Sloane in view of Iliff (U.S. Patent No. 6,725,209).

The Sloane reference does not teach every element of the independent Claims 1, 5 and 8 as under 35 U.S.C. § 102(b) and § 103(a). One or both of the following two elements are missing in Sloane: "determine whether sufficient patient demographic data exists in the medical emergency database" and "search other databases in an attempt to obtain missing demographic information."

The Office Action has attempted to identify the demographic audit module recited in Applicant's Claim 1 in Sloane (at column 7, lines 60-64) as a process or daemon that continuously scans patient transaction records looking for incompleted patient transactions, e.g., transactions where the outcome (e.g., "recovered after five days") is not recorded. However, this process in Sloane does not "determine whether sufficient patient demographic data exists in the medical emergency database" as recited in Claim 1 and similarly in Claims 5 and 8.

The Office Action has attempted to identify "searching other databases in an attempt to obtain missing demographic information", as recited in Claim 5 (and similarly for Claims 1 and 8), as being taught at column 8, lines 4-8 of Sloane. In Sloane, the CDC database obtains records from the E-doc database. As described in column 7, lines 37-60 of Sloane, the CDC database automatically receives any new information entered into a patient transaction record in the E-doc computer. Thus, a new epidemiological transaction record is automatically sent to the CDC computer which then updates its old copy of the record with a new one. It is this continuously updated database in the CDC computer on which the processes (84) are performed. No searching of other databases is done to obtain missing information. The CDC processes (84) identified at column 8, lines 4-8 of Sloane merely watch for signatures of particular diseases in the CDC database, and therefore, do not search other databases in an attempt to obtain missing demographic information.

Furthermore, Sloane does not positively recite the "transport information" that is part of the data stored in the medical emergency database as recited in Claim 1 and 8, and similarly in Claim 5. The Office Action has identified column 1, lines 48-59 of Sloane as disclosing this feature, but

Applicant respectfully submits that transport information is not discussed in this portion of the specification.

Because of the reasons presented above, the Sloane reference does not teach or suggest each and every element of Applicant's independent claims. Since it is respectfully submitted that the rejections have been overcome, Applicant respectfully requests allowance of all claims.

Regarding dependent Claim 4, the Office Action states the "billing module in communication with the medical emergency database, the billing module receiving data from the demographic audit module" is shown in Figure 4 and at column 6, lines 54-61 of Sloane. Such a billing module is not shown or discussed in Sloane. Figure 4 merely shows billing data as part of the database, and the text describes that information such as patient name, address and billing (and insurance) information are part of the patient record database. However, Sloane does not have a billing module in communication with the medical emergency database, especially where the billing module receives data from the demographic audit module (which, in Sloane, is identified as being the process or daemon that continuously scans patient transaction records looking for incompleted patient transactions). Therefore, it is respectfully submitted that the rejection of Claim 4 has been overcome.

The dependent Claims 2-4, 6-7 and 9-11 depend either directly or indirectly on the above-discussed independent Claims 1, 5 and 8, respectively. Applicant respectfully submits that pursuant to 35 U.S.C. § 112, ¶4, the dependent claims incorporate by reference all the limitations of the claim to which they refer and include their own patentable features, and are therefore in condition for allowance. Therefore, Applicant respectfully requests the withdrawal of all claim rejections and prompt allowance of the claims.

Conclusion

In light of the above, reconsideration and withdrawal of the outstanding rejections are specifically requested. In view of the foregoing remarks, Applicant respectfully submits that the claims of the above-identified application are in condition for allowance. However, if the Examiner finds any impediment to allowing all claims that can be resolved by telephone, the Examiner is respectfully requested to call the undersigned.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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